
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DANIEL JONES,

Plaintiff,

v.

UNITED STATES OF AMERICA; and
GEROALD STRINGER, in his official and
individual capacity,
Defendants.

**MEMORANDUM DECISION AND
ORDER GRANTING STAY**

Case No. 1:17-cv-00138-DN

District Judge David Nuffer

The United States, through its counsel, moved to hold this matter in abeyance while Plaintiff pursues a Federal Employee’s Compensation Act, 5 U.S.C. § 8101, *et seq.* claim (“FECA”).¹ In the Complaint, Plaintiff asserts a claim for relief pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671, 1331 and 1346(b), as a result of injuries sustained in a car crash that occurred on July 15, 2015, on Hill Air Force Base.² At the time of the incident, Plaintiff “was a federal employee acting within the scope of his federal employment” and therefore his exclusive remedy is FECA.³ At the time the Motion to Stay was filed, Plaintiff had not filed a FECA claim with the Department of Labor.⁴ Plaintiff does not oppose the Motion to Stay.⁵ Based on the foregoing and for good cause appearing;

¹ Motion to Hold Matter in Abeyance (“Motion to Stay”), [docket no. 8](#), filed December 26, 2017.

² Complaint, ¶¶ 4, 8-12, [docket no. 2](#), filed August 28, 2017.

³ *Id.* at 1.

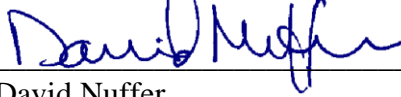
⁴ *Id.*

⁵ Plaintiff’s Response to Defendant’s Motion to Hold Matter in Abeyance, [docket no. 10](#), filed January 10, 2018.

IT IS HEREBY ORDERED that the Motion to Stay⁶ is GRANTED. This case is STAYED pending final decision of the Secretary of Labor regarding coverage for Plaintiff's claims under the FECA.

Dated May 8, 2018.

BY THE COURT:



David Nuffer
United States District Judge

⁶ [Docket no. 8](#), filed December 26, 2017.